



ATTORNEY DOCKET NO.
074263.0238

PATENT APPLICATION
Serial No. 09/833,016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of:
Serial No.:
Filing Date:
Group Art Unit:
Examiner:
Title:

Shilin Chen
09/833,016
April 10, 2001
2128
Hugh M. Jones
**FORCE-BALANCED ROLLER-CONE BITS,
SYSTEMS, DRILLING METHODS, AND DESIGN
METHODS**

MAIL STOP RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Third Request for Interference with Patent Application Pursuant to 37 C.F.R. § 1.604, Examiner Interview Summary and Request for Continued Examination (33 pages); attached Exhibits: Exhibit A-Support in Specification (11 pages); Exhibit B-Drawings (2 sheets); Exhibit C-Information Disclosure Statement of July 16, 2004 (6 pages); Exhibit D-two separate executed Terminal Disclaimers each with a check attached in the amount of \$110.00 to satisfy Terminal Disclaimer fee (4 pages total with 2 checks); Exhibit E-copy of Final Judgment (3 pages); a RCE Transmittal (1 page) with attached check in the amount of \$770 to satisfy Request for Continued Examination Fee; a Notification for Extension of Time for 4 months Under 37 C.F.R. § 1.136 (1 page) with attached check in the amount of \$1,480.00 to satisfy Extension of Time Fee; a Transmittal with Additional Claims Calculated (1 page); acco-bound copies of 7 references; a Baker Botts L.L.P. acknowledgement return postcard (1 postcard); and this Certificate of Mailing is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on this the 30th day of **August, 2004**, addressed to **Mail Stop RCE**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Willie Jiles

Willie Jiles

Express Mail Receipt
No. **EV 324639961 US**
Attorney Docket No.: 074263.0238

EV324639961US



UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

HALLIBURTON ENERGY SERVICES, INC.,	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION NO.
v.	§	4:02CV269
	§	(Judge Davis)
	§	Jury Trial Demanded
SMITH INTERNATIONAL, INC.,	§	
	§	
Defendant.	§	

FINAL JUDGMENT

On June 17, 2004, the Court called this case for trial. Plaintiff Halliburton Energy Services, Inc. ("Halliburton") appeared in person and through its attorney and announced ready for trial. Defendant Smith International, Inc. ("Smith") appeared in person and through its attorney and announced ready for trial. The Court then empaneled and swore in the jury. Trial commenced on June 17, 2004, and continued from June 21 through June 25, 2004. On June 25, 2004, the Court submitted questions, definitions, and instructions to the jury, and the jury returned a verdict that day.

The jury, in its verdict, determined that Smith infringed claims 1, 2, and 8 of United States Patent No. 6,213,225 (the "'225 Patent"); claims 1, 9, 15, and 18 of United States Patent No. 6,095,262 (the "'262 Patent"); and claim 6 of United States Patent No. 6,412,577 (the "'577 Patent"), that Smith willfully infringed all of these claims of the patents-in-suit except for claim 1 of the '225 patent, that none of the asserted claims of the patents-in-suit are invalid as anticipated, obvious or indefinite, and that Halliburton's actual damages total \$24,000,000. Smith's defense of unenforceability of the patents-in-suit due to inequitable conduct was tried to the Court and, on

August 11, 2004, the Court announced its decision that, based upon the evidence introduced during trial, Smith did not prove that Halliburton engaged in inequitable conduct with respect to the patents-in-suit.

Halliburton has moved for entry of judgment on the verdict and has requested an award of enhanced damages under 35 U.S.C. § 284, attorney fees' under 35 U.S.C. § 285, pre- and post-judgment interest, a permanent injunction prohibiting infringement of the asserted claims of the patents-in-suit under 35 U.S.C. § 283, and costs. On August 11, 2004, the Court determined that Halliburton should be awarded enhanced damages in the amount of \$12 million, attorneys' fees in the amount of \$4 million, and prejudgment interest at the prime rate as posted by the Federal Reserve Bank compounded monthly. In accordance with the jury's verdict and the Court's post-trial rulings, the Court renders the following judgment.

It is ORDERED, ADJUDGED AND DECREED that Plaintiff Halliburton Energy Services, Inc., have and recover from Defendant Smith International, Inc., the following:

Twenty Four Million Dollars (\$24,000,000) in actual damages;

Twelve Million Dollars (\$12,000,000) in enhanced damages pursuant to 35 U.S.C. § 284;

Four Million Dollars (\$4,000,000) in attorneys' fees pursuant to 35 U.S.C. § 285;

Nine Hundred Seventy-Two Thousand Three Hundred Eighty-Six Dollars (\$972,386.00) in prejudgment interest on the actual damages found by the jury calculated from August 1, 2002 through August 13, 2004, plus *per diem* interest of \$2,849.00 from August 14, 2004 until the date of this judgment;

Postjudgment interest is payable on all the above amounts (\$40,972,386.00) at the lawful rate under 28 U.S.C. § 1961 from the date this judgment is entered until the date this judgment is paid; and

Costs of Court.

It is further ORDERED, ADJUDGED AND DECREED that:

The Court has entered a permanent injunction against Smith prohibiting Smith from infringement of the patents-in-suit, pursuant to 35 U.S.C. § 283, on such terms as are set forth in its permanent injunction which is incorporated herein by reference.

The Court denies all relief not granted in this judgment.

This is a FINAL JUDGMENT.

The "Received" stamp of the Patent and Trademark Office imprinted hereon acknowledges the filing of:

- | | |
|---|--|
| <input type="checkbox"/> Application - Spec., Claims, Abstract (___ Page(s)) | <input type="checkbox"/> Verified Statement (___ Page(s)) |
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| <input checked="" type="checkbox"/> IDS and PTO-1449 (3 Pages) | |
| <input checked="" type="checkbox"/> w/Refs. (3 volumes acco-bound). | |
| <input type="checkbox"/> Non-Publication Request (___ Page(s)) | |

Inventor(s): **Shilin Chen**

Serial No.: **09/833,016**

Title: **FORCE-BALANCED ROLLER-CONE BITS, SYSTEMS, DRILLING METHODS, AND DESIGN METHODS**

Client/Applicant: **Halliburton Energy Services**

BB File No.: **074263.0238**

Mailed: **July 16, 2004**

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Atty./Secy.:

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